

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Hews Company, LLC

v.

Civil No. 04-cv-292-JM


Bruce Barnaby, et al.

O R D E R

Plaintiff moves to disqualify defendants' attorney on the basis that he is an essential witness at the forthcoming jury trial. The motion is at least premature. Plaintiff has not yet deposed Bruce Barnaby nor other parties who have impeded settlement. Defense counsel has offered full disclosure of documents. Unless plaintiff can show that Attorney Gannon is an essential witness even after deposing Barnaby, Linesman, Keiter and Bryant and after reviewing produced the disqualification is premature.

The motion (document no. 23) is denied without prejudice to appropriate renewal.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: June 23, 2005

cc: Timothy J. Bryant, Esq.
Peter G. Callaghan, Esq.
William S. Gannon, Esq.